IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,	8:10CV243
vs.)) DEFAULT JUDGMENT
\$13,750.00 IN UNITED STATES CURRENCY,) and) DECREE OF FORFEITURE
Defendant,)
LYNN RUSSELL SLADE, III,)
Claimant.)

This matter comes on before the Court upon the plaintiff's Motion for Default Judgment and Decree of Forfeiture (Filing No. 37) against Lynn Russell Slade, III, and any unknown claimants. Plaintiff is presently represented by Nancy A. Svoboda, Assistant United States Attorney. Upon review of the record of this case, the Court, being duly advised in the premises, finds as follows:

- 1. A Complaint for Forfeiture was filed herein on June 28, 2010. A Warrant for Arrest In Rem was issued by this Court and was properly executed on the Defendant property by the U.S. Marshals Service.
- 2. Publication of the notice of this action and of the arrest of the Defendant property was duly made pursuant to order of this Court dated July 1, 2010 (Filing No. 10). A Declaration of Publication (Filing No. 20) was filed herein on September 13, 2010.
- 3. On July 17, 2010, the U.S. Marshals Service served copies of the Verified Complaint, Notice of Seizure and Procedure, and Warrant for Arrest In Rem on Claimant, Lynn Russell Slade, III, as evidenced by Filing No. 12, Process Receipt and Return. The Return states service was made by certified mail upon his attorney, Glenn A. Shapiro.
- 4. Mr. Slade filed a Claim (<u>Filing No. 17</u>) and an Answer (<u>Filing No. 13</u>) to the Plaintiff's Complaint. No other person or entity entitled to the Defendant property has filed a Claim or an Answer to Plaintiff's Complaint within the time fixed by law.

- 5. By Order dated July 6, 2011 (Filing No. 35), this Court granted the Plaintiff's Motion to Strike Mr. Slade's Claim and Answer for failure to comply with discovery and failure to comply with a court order. The Court struck Mr. Slade's Claim and Answer, and directed the Clerk to make an entry of default against Lynn Russell Slade, III.
- 6. On July 6, 2011, a Clerk's Entry of Default (Filing No. 36) was entered as to the Defendant property and as to Claimant, Lynn Russell Slade, III.
- 7. The Plaintiff's Motion for Default Judgment and Decree of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

- A. The plaintiff's Motion for Default Judgment and Decree of Forfeiture (Filing No. 37) is hereby sustained.
- B. All right, title or interest in or to the Defendant property held by any person or entity is hereby forever barred and foreclosed.
- C. The Defendant property be and the same hereby is forfeited to the United States of America.
- D. The Defendant property shall be disposed of by the U.S. Marshals Service in accordance with law.

DATED this 13th day of July, 2011.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge